


A U S T I N C I T Y C O U N C I L
AGENDA



Thursday, June 22, 2006

#117PH

 Back

Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL ACTION

Subject: C14-05-0179 - Spring Lake Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9009 Spring Lake Drive (Bull Creek Watershed) from rural residence (RR) district zoning to single-family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single-family residence-large lot-conditional overlay (SF-1-CO) combining district zoning. Applicant: Rahul Deshmukh and Mrudula Yadav. Agent: Land Answers (Jim Witliff). City Staff: Sherri Sirwaitis, 974-3057. A valid petition has been filed in opposition to this rezoning request.

Additional Backup Material

(click to open)

D Staff Report

For More Information:

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0179

Z.A.P. DATE: November 15, 2005

ADDRESS: 9009 Spring Lake Drive

OWNER/APPLICANT: Rahul Deshmukh and Mrudula Yadav

AGENT: Land Answers (Jim Wittliff)

ZONING FROM: RR **TO:** SF-1

AREA: 1.350 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning.

ZONING AND PLATTING COMMISSION:

11/15/05: Approved SF-1-CO zoning limited to two residential units (7-0, J. Gohil, J. Martinez-absent); M. Hawthorne-1st, T. Rabago-2nd.

ISSUES:

On December 14, 2005, the staff received new information concerning environmental constraints for the site under consideration from Mike Lyday of the City of Austin Environmental Resource Management Division (Attachment A). Mr. Lyday submitted a follow up memo to the staff regarding conditions on the site on June 5, 2006 (Attachment B).

In addition, the staff received a petition from adjacent property owners who are opposed to any zoning other than 'RR' on the site (Attachment C). This petition is valid at 36.46% and therefore will require an affirmative vote of three-fourths of the members of Council to approve a proposed rezoning.

The excerpt below is from the City of Austin's Land Development Code and explains when the City Council is subject to the three-fourths vote.

Sec. 25-2-284 REQUIREMENT FOR APPROVAL BY THREE-FOURTHS OF COUNCIL

- (A) *The affirmative vote of three-fourths of the members of Council is required to approve a proposed rezoning if:*
- (1) the Land Use Commission recommends denial of an application to rezone property to a planned unit development; or*
 - (2) the proposed rezoning is protested in writing by the owners of not less than 20 percent of the area of land:*
 - (a) included in the proposed change; or*
 - (b) immediately adjoining the area included in the proposed rezoning and extending 200 feet from the area.*

DEPARTMENT COMMENTS:

The property in question is currently undeveloped. The site slopes to the east and is covered by several large trees. The applicant is requesting a rezoning from RR to SF-1 to subdivide this tract of land into three lots to construct new single family residences on the property. The staff recommends the applicant's request for SF-1 zoning because the property fronts onto a local collector street, Spring Lake Drive. The site is located adjacent to existing SF-1 zoning and single family residential uses to the south and west.

The applicant agrees with the staff's recommendation, but not the Zoning and Platting Commission recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	RR	Undeveloped
North	RR	Golf Course
South	SF-1	Single-Family Residences
East	RR	Golf Course
West	SF-1	Single-Family Residences

AREA STUDY: N/A**TIA:** Not Required**WATERSHED:** Bull Creek**DESIRED DEVELOPMENT ZONE:** Yes**CAPITOL VIEW CORRIDOR:** N/A**HILL COUNTRY ROADWAY:** Yes**NEIGHBORHOOD ORGANIZATIONS:**

115 – Balcones Village-Spicewood H.O.A.
157 – Courtyard Homeowners Association
426 – River Place Residential Community Association, Inc.
475 – Bull Creek Foundation

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0064.06D	SF-1 to P	5/18/99: Approved staff rec. of 'P' (8-0)	7/15/99: Approved PC rec. of 'P' (6-0); all 3 readings

RELATED CASES: N/A

ABUTTING STREETS:

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

CITY COUNCIL DATE: December 15, 2005

ACTION: Postponed to January 12, 2006 at the staff's request (7-0)

January 12, 2006

ACTION: Postponed to June 8, 2006 at the applicant's request (6-0, Councilmember Thomas-absent). The staff will send resend notification of the public hearing.

June 8, 2006

ACTION: Postponed to June 22, 2006 at the staff's request (7-0)

June 22, 2006

ACTION:

ORDINANCE READINGS: 1st

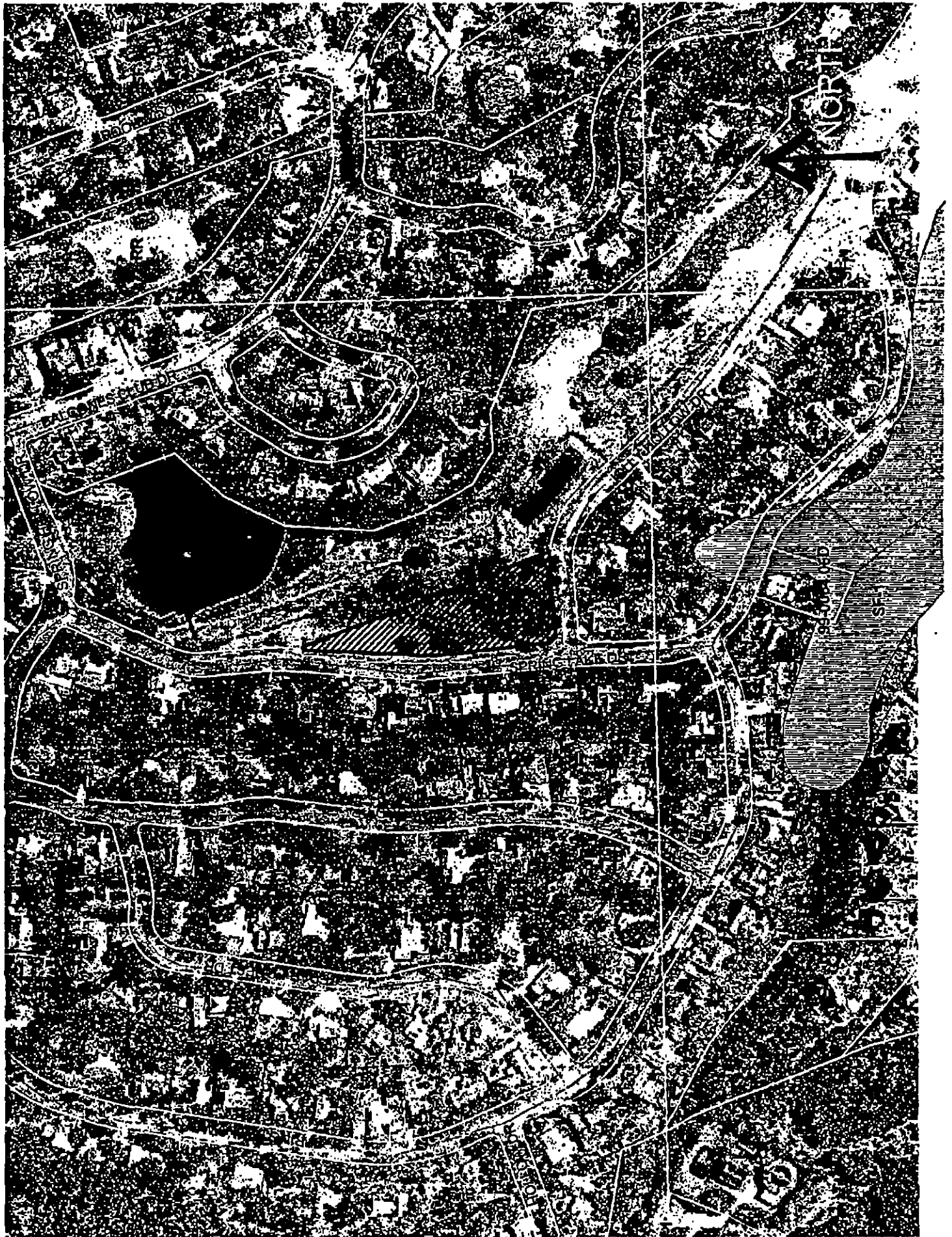
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



STAFF RECOMMENDATION

The staff's recommendation is to grant SF-1, Single-Family Residence-Large Lot District, zoning.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Single-family residence large lot (SF-1) district is the designation for a low density single-family residential use on a lot that is a minimum of 10,000 square feet. An SF-1 district designation may be applied to a use on land with sloping terrain or environmental limitations that preclude standard lot size or to a use in an existing residential development on a lot that is 10,000 square feet or more.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed zoning promotes consistency and orderly planning because there are existing single family residential uses to the south and west of this site. The property in question is located adjacent to SF-1 zoning and fronts onto a local collector street, Spring Lake Drive.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped. This tract of land slopes to the east and is covered by several large trees.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The maximum impervious cover allowed by the SF-1 zoning district would be 40%. However, if the Watershed impervious cover is more restrictive than the SF-1 zoning district's allowable impervious cover, the impervious cover on this site could be limited by the watershed ordinance.

The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% NSA with Transfers	Allowable Density
One or Two Family Residential	n/a	n/a	1 unit/2 acres net site area
Multifamily Residential	20%	25%	n/a
Commercial	20%	25%	n/a

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the North Edward's Aquifer Recharge Zone. The site is in the Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Rural Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Drinking Water Protection Zone.

Single family or duplex development within a Water Quality Transition Zone may not exceed a density of one unit per three acres, exclusive of land within a 100-year floodplain, and must have a minimum lot size of 2 acres.

According to flood plain maps, there is no flood plain in, or within close proximity of, the project location.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any preexisting approvals which would preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 57 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification
Spring Lake Drive	50'	30'	Local
Jolly Hollow Drive	50'	28'	Local

Capital Metro bus service is not available within 1/4 mile of this property.

There are no existing sidewalks along Spring Lake Drive or Jolly Hollow Drive and neither street is included in the Bicycle Plan.

Water and Wastewater

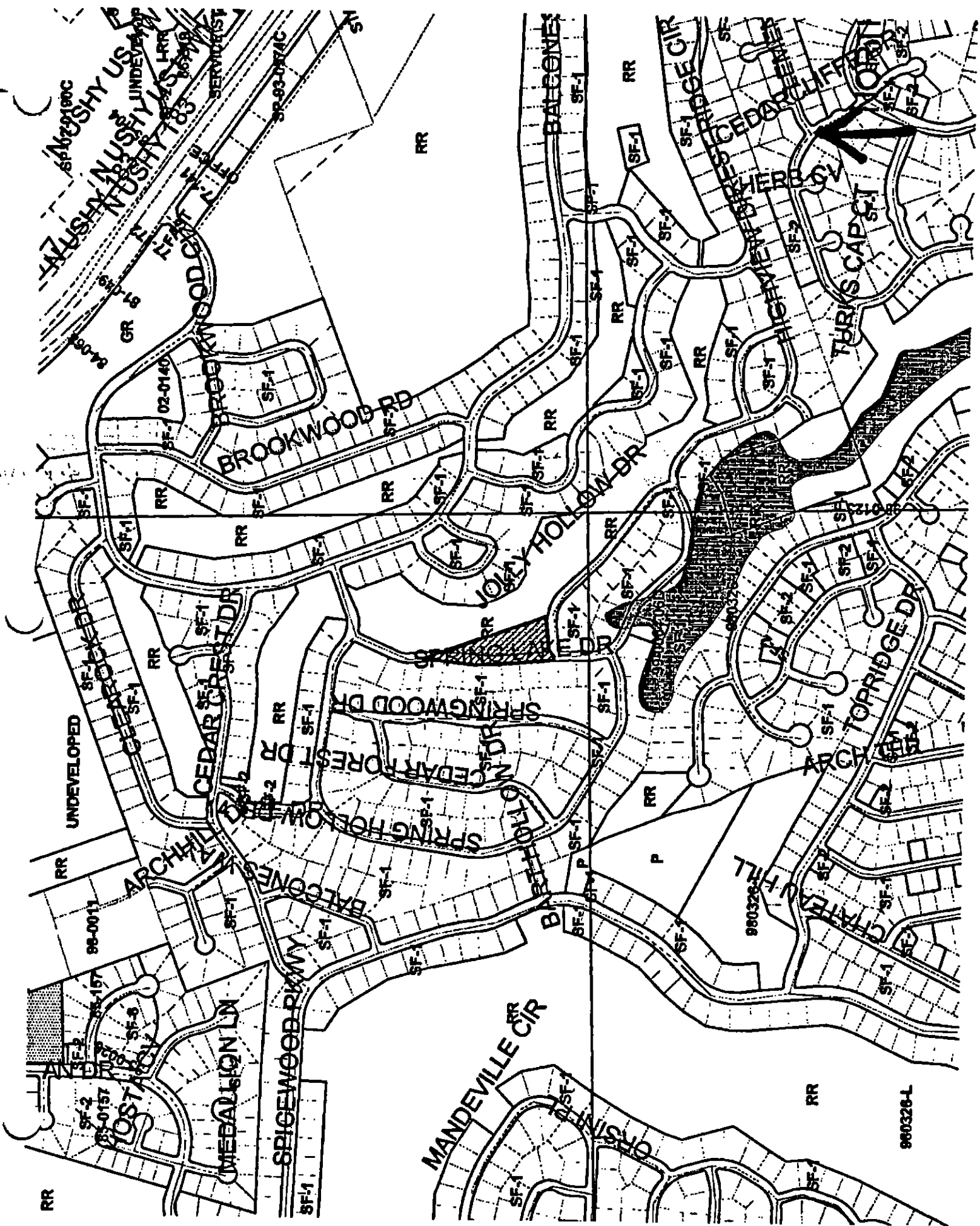
The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades to serve each lot. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated and applicable city fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

No comments.





INTEROFFICE MEMORANDUM

TO: Sherri Sirwaitis, Zoning Case Manager

FROM: Mike Lyday, Environmental Resource Management Division (ERM)

DATE: December 14, 2005

SUBJECT: Spring Lake Zoning Case # C14-05-0179

At the request of Paula Cushman and for your information, I investigated the above referenced site for the presence of wetland critical environmental features (CEFs). The site had previously been assessed by the Austin's Water and Wastewater Department several years ago, and an independent environmental consultant (Hicks and Company) reported a wetland adjacent to a tributary to Bull Creek. I can verify that a significant wetland is supported in the same location, which happens to be on the tract of land you are now considering for rezoning to single family status. An obligate wetland plant community is present, underlain by wetland hydrology, saturating soils to the surface. Therefore, this wetland meets the Army Corps' 1987 Criteria Manual technical definition and is protected as a CEF by Austin's Land Development Code, Section 25-8-282.

By my estimates, the wetland is approximately 150' long and 75' wide. The wetland is accurately delineated on Dannenbaum Engineering's wastewater site plan, Wastewater Department File # 99-0037, Project 6-Phase A, Sheet 44 of 118, May 3, 2001. This project was a centralized wastewater retrofit for the Balcones Country Club area, formerly served by septic fields. As a result of the environmental assessment, the wastewater line was placed as far from the wetland as possible, under Spring Lake Drive.

This wetland is significant because of the many environmental services it renders, including water quality filtration of golf course stormwater runoff, storing water for base flow to the adjacent tributary, providing added flood and erosion protection, and preserving urban wildlife habitat. In addition to the wetland, the stream course is populated by a mature riparian forest and provides the same services as the wetland itself. For these reasons, I recommend the standard CEF setback of 150' from the edge of the wetland. In addition to the wetland setback, I noted that the wastewater site plan also shows the tributary to be classified as a minor waterway with a 50 foot critical water quality zone. Therefore, I don't see how there would be enough room for any houses on this site, even if there were not a wetland CEF and setback.

Sherri, I hope this information helps you with the rezoning case. Please call me at 974-2956 if you have any questions or need additional assistance. Thank you for including ERM in your assessment of environmental resources for this case.

A handwritten signature in black ink, appearing to read "Mike Lyday".

Mike Lyday
Senior Environmental Scientist
Watershed Protection and Development Review Department

C: Ed Peacock
Paula Cushman



INTEROFFICE MEMORANDUM

TO: Sheri Sirwaltis, Zoning Case Manager

FROM: Mike Lyday, Environmental Resource Management Division (ERM)

DATE: June 5, 2006

SUBJECT: Follow-up Spring Lake Zoning Case # C14-05-0179

The applicant's engineering consultant for the above referenced case, Jim Wittliff, has come by my office to discuss my recommendations for wetland setbacks (see memo to you, 12-14-05). As you know, I recommended the standard 150' setback for the wetland critical environmental feature (CEF) supported on the subject tract. Jim asked if the setback could be reduced to allow one home on the site. My answer was as follows:

"A variance from Austin's Land Development Code would be required to reduce the setback to less than 50'. An administrative variance could be allowed to reduce the setback or allow mitigation for the loss of the wetland; however, this is not my recommendation for optimal protection of the wetland and adjacent stream course. If the applicant wishes to be granted a variance from the recommended CEF setback during the subdivision and site plan review, the 'findings of fact' must be met for a variance and approved by City boards and commissions. If 'findings of fact' are met and approved for the construction of one home on the property, my recommendation would be that the home be built downstream and at least 50' from of the wetland, near the intersection of Jolly Hollow Drive and Spring Lake Drive."

Sheri, this wetland was originally identified by an environmental consultant during the construction of a wastewater line along Spring Lake Drive (5-3-01). At that time, the setback for the wetland was proposed to be 75' for the wastewater line construction. The potential impact to a wetland critical environmental feature is greater with commercial or residential home construction (i.e. more land is disturbed or covered than with a wastewater line). This is why I recommended the standard 150' setback in this case. Nevertheless, I don't think there would be room for a home even with a 75' wetland setback. It's a shame that the applicant purchased the property without knowledge of the wetland issue.

I assume that our Land Development Code did not protect CEFs at the time the Spring Lake Subdivision was permitted (probably late 1970s). This is why home lots and roadways are currently within 150' of the wetland.

Sheri, thank you for including ERM in your assessment of environmental resources for this case. If you have any questions, please call me at 974-2958.

Mike Lyday, Senior Environmental Scientist
Water Resources Evaluation Section, ERM
Watershed Protection and Development Review Department

C: Ed Peacock, Jim Wittliff, Paula Cushman

PETITION

Case Number:

C14-05-0179

Date:

Dec. 12, 2005

Total Area within 200' of subject tract: (sq. ft.)

384,664.40

1	01-8813-0301	CEFAI SUSAN & PAUL DIMASI	3,419.60	0.89%
2	01-7013-1214	WILSON DONNY & TYRA	4,972.00	1.29%
3	01-7013-1215	STONEBACK LEWIS J & ELIZABETH	16,380.25	4.26%
4	01-7013-1216	HALE THOMAS Z & DARIS	18,229.44	4.74%
5	01-7013-1217	MCDONALD, ROBERT C & CATHERINE	16,447.54	4.28%
6	01-7013-1218	LOZANO ALBERT G & CAROL M	18,247.76	4.74%
7	01-7013-1219	CUSHMAN ALBERT & PAULA	16,042.20	4.17%
8	01-7013-1220	BOMMARITO ANTHONY & EVELYN	16,182.78	4.21%
9	01-7013-1221	JOHN PETER S & JAN R	16,892.15	4.39%
10	01-7013-1222	WANGUHU KAMAU & NJAMBI	13,441.88	3.49%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
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25				0.00%

Validated By:

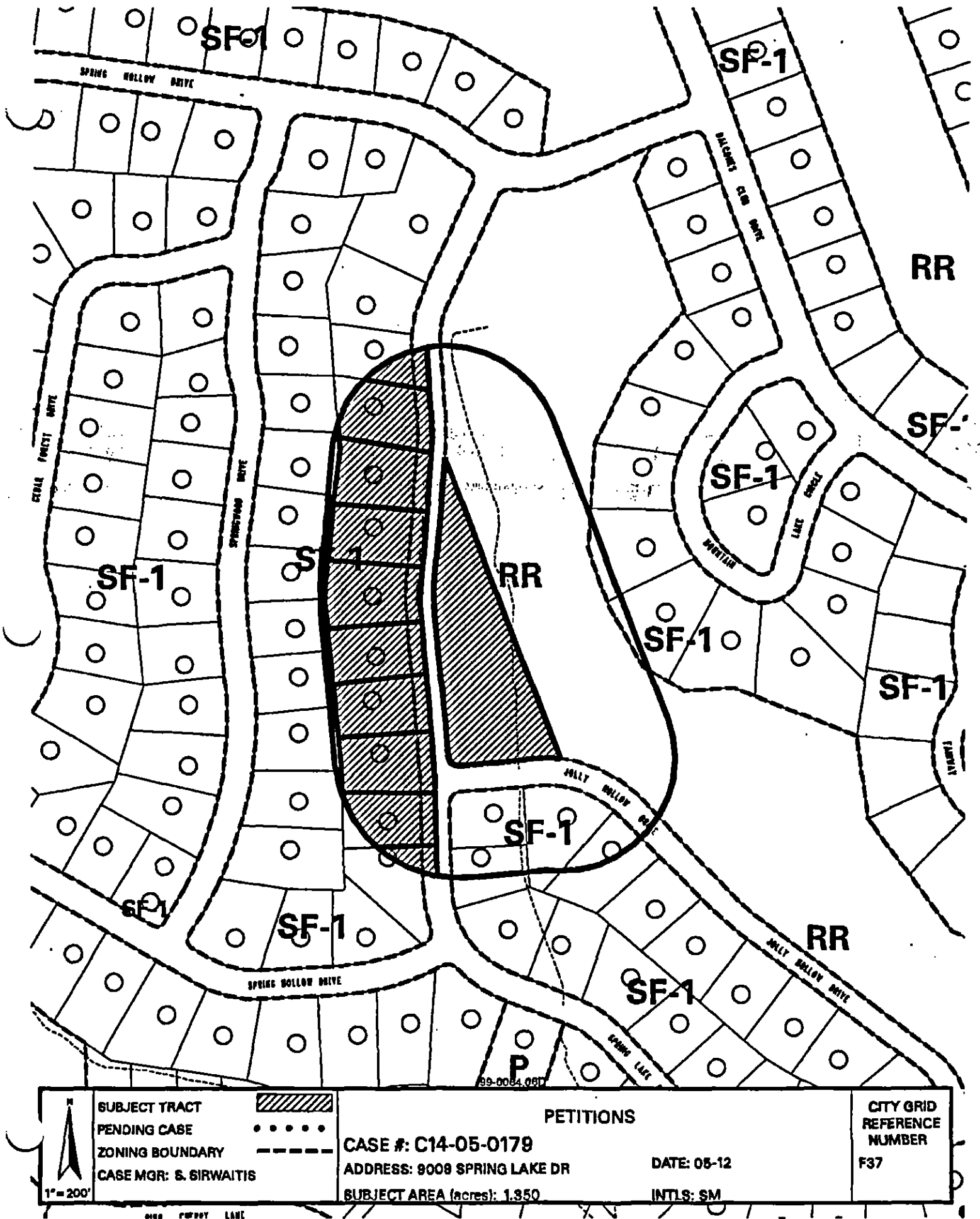
Stacy Meeks

Total Area of Petitioner:

140,255.58

Total %

36.46%



PETITION

Date: 12/14/05

File Number: C14-05-0179

Address of
Rezoning Request: 9009 Spring Lake Dr.

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than RR.

We are against the development of this property due to the fact that the area floods with every rain and a literal river flows through the creek (which runs through the property) during heavy rains. There is also a potential that any building could cover springs that release waters on the site. Also the site is several feet below the sewer lines giving to a potential sewer spillage into the waters that flow into the water shed after every rain. This area over the last 30 years has become a habitat for wildlife of all kinds from around the area.

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature	Printed Name	Address
(Allent) Jerry + Carol Lozano	Jerry + Carol Lozano	9100 Spring Lake Dr
Nigabi W. Argueta	Nigabi W. Argueta	9008 Spring Lake Dr
Anthony Bommarito	ANTHONY + EV BOMMARITO	9012 Spring Lake Dr.
Al + Paula Cushman	Al + Paula Cushman	9014 Spring Lake Dr.
Robert + Catherine McDonald	Robert + Catherine McDonald	9107 Spring Lake Drive
Elizabeth Stombaert	ELIZABETH STOMBAERT	9106 Spring Lake Dr
Tyra Wilson	TYRA WILSON	9108 Spring Lake Dr.
Paul Dimari	PAUL DIMARI	9006 SPRING LAKE DR.
Susan Cefai	SUSAN CEFAI	9006 SPRING LAKE DR.
Peter + Jan John	Peter + Jan John	9010 Spring Lake Dr
Ten + Daris Hall	Ten + Daris Hall	9104 Spring Lake Dr

Date: 12/14/05

Contact Name: Jerry Lozano

Phone Number: 791-7400

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

ANTHONY BOMMARITO

Your Name (please print)

9012 SPRING LAKE DRIVE

Your address(es) affected by this application Austin, TX 78750-2453

Anthony Bommarito

Signature

November 10, 2005

Date

Comments: There shall be no building on construction on the property at 9009 Spring Lake Drive for the following reasons:

1. 100+ year old trees will be destroyed if there is a building.
2. There is "Wild Life" and "Birds" that will be moved or displaced.
3. A light rain produces a river - a definite flood and
4. Underwater springs and drainage from the entire area is channeled onto the property.

No action of any kind should be taken on the area until an ecological study is done to determine the problem the building on the property would create.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179

Contact: Sherri Sirwaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

Al and Paula Cushman

Your Name (please print)

9014 Spring Lake Dr.

Your address(es) affected by this application

Paula A. Cushman

Al E. Cushman

11-9-05

Date

Comments: We strongly object to the rezoning.

For the following reasons: during heavy rains this area frequently floods due to the creek and pond runoff; 2. there is wild life living there that would have to be relocated; 3. a considerable amount of trees would have to be cut down to build on the property; 4. we feel before any consideration of rezoning this property there should be an ecological study of the property to see how it would change runoff due to the creek and underground springs.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirwaitis

P. O. Box 1088

Austin, TX 78767-8810

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0179

Contact: Sherri Sirvaitis, (512) 974-3057

Public Hearing:

November 15, 2005 Zoning and Platting Commission

Patricia Jones
Your Name (please print)

☐ I am in favor
☒ I object

9010 SPONG LAKE DRIVE

Your address(es) affected by this application

11/15/05
Date

Signature

Comments: FROM ENFORCEMENT PERSPECTIVE, THERE
LET'S KEEP THE PLANS TO THE POINT, ANY OTHER STUFF
GOES WITH THE PLANS AND NOT PUT AT THE END. FIRST
PLANS SUBMITTED WILL BE THE PRODUCT OF THE PLANS TO BUILD,
UNLESS THE ZONING IS NOT RESISTIBLE AGAIN BY COMBINING
OR ZONING AUTHORITY. LAND STAYS WITH STAYS OF
PLANNING OF DEVELOPMENT AND PRESENT IN A STATE WITH
PLANS WOULD BE BUILT,
LAND IS ALSO A HIGHLY COLLABORATIVE ANIMATE DEVELOPMENT, ALL
OTHER, ONLY, ENDS, SURE, ETC.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Sherri Sirvaitis

P. O. Box 1088

Austin, TX 78767-8810

ALL COMMENTS ON SPONG LAKE WITH THE
KNOWLEDGE AND STAFF AND THE THAT THIS LAND WOULD NOT
BE BUILT ON.

Sirwaitis, Sherri

From: Development Review & Inspection
Sent: Tuesday, November 15, 2005 11:51 AM
To: Sirwaitis, Sherri
Subject: FW: devweb - Case Number C14-05-0179

Sherri,

Could you help out with this? I believe it was your case.

Neil Galati

for

Steve Wilkinson, AICP
Watershed Protection & Development Review Department City of Austin, TX.
512-974-2657
<http://www.ci.austin.tx.us/development/>

-----Original Message-----

From: Jerryllsis@aol.com [mailto:Jerryllsis@aol.com]
Sent: Monday, November 14, 2005 5:40 PM
To: devweb@ci.austin.tx.us
Subject: devweb - Case Number C14-05-0179

Date/Time Submitted: Monday, 11/14/05, 1739 hours

From: Albert Lozano

E-mail address: Jerryllsis@aol.com

Subject: Case Number C14-05-0179

Comments:

I want to voice our objection to the rezoning of 9009 Spring Lake Dr.